

## **MINUTES OF HARRISONBURG PLANNING COMMISSION**

**November 9, 2011**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, November 9, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes, Judith Dilts, Alan Finks, Deb Fitzgerald, and Henry Way.

Members absent: Bill Jones.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Vice-chair Fitzgerald called the meeting to order and determined there was a quorum with six of seven members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the September 14, 2011 Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the September 14<sup>th</sup> Planning Commission meeting.

Dr. Dilts seconded the motion.

All voted in favor of approving the minutes. (6-0)

### **New Business**

#### ***Special Use Permit – Fence Height (VMRC)***

Vice-chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Institutional. This designation states that these areas are for development by certain nonprofit and public institutional uses such as private colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions that provide for the shelter and care of people.

The following land uses are located on and adjacent to the property:

Site: Multi-family dwelling units of Park Village, zoned R-3/I-1

North: Duplexes, multi-family dwelling units and Pleasant View Home Group Care Facility, zoned R-3

East: Single-family dwelling, zoned R-3

South: Multiple-family dwelling units of Park Village, zoned R-3/I-1

West: Park View Mennonite Church, zoned R-2

The applicant is requesting a special use permit per Section 10-3-48.4 (8) to allow for a fence of seven-feet in height. The fence would be constructed along the northern property boundary of Park Village, a subsidiary of Virginia Mennonite Retirement Community (VMRC), behind the dwelling units located along Hawthorn Circle, Villa Drive, and Spruce Court.

Park Village provides independent housing for persons aged sixty years and older within the VMRC complex. It consists of 28 single-story buildings, most of which are either three- or four-plexes, along with two apartment buildings, Park Place and Park Gables.

The proposed fence is described as a solid, vinyl fence and would replace an existing wooden fence, which is situated along the northern property line. The existing fence, approximately 665 feet in length, has a height of five-feet to seven-feet and provides privacy for the residents living in the northern most units. At this time the wooden fence, which was constructed in 1987, is in disrepair and needs to be replaced.

The applicant states that the original fence was installed to discourage pedestrian and bicycle traffic from walking and riding between the Park Village units and the adjacent neighborhood. The rear yard area for these units is limited and a fence provides some privacy for the residents. Replacing the old wooden fence with the new, seven-foot vinyl fence would help maintain resident satisfaction while still providing the needed privacy.

Staff does not foresee any negative impact in approving this application. The existing fence, which was constructed prior to code regulations requiring a building permit, currently has a height up to seven-feet along half of the fence line. The proposed fence would be located in the same place as the existing fence and would require a building permit prior to installation. Staff recommends approving the special use permit with the following conditions:

1. The special use shall only be applicable to the proposed fence in this application.
2. There shall be no advertising on the fence.
3. If in the opinion of Planning Commission or City Council, the fence becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Vice-chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if the applicant or the applicant's representative would like to speak.

Mr. Marvin Nisley said he is here tonight representing VMRC and he does not have anything to add to the presentation. The residents would appreciate the fence for the privacy; given the small backyards and the proximity to the adjacent apartment buildings. I also appreciate your considering our request.

Mr. Da'Mes said by right you would have the ability to install a six foot fence; why choose a seven foot fence?

Mr. Nisley replied that approximately one half of the existing fence is already seven feet and a reduction in what is existing, would make a difference to the residents living there. Seven feet gives some additional privacy for residents within their backyards, or on their decks and patios. We felt that the additional twelve inches, which does not seem like much, would make a difference.

Vice-chair Fitzgerald asked if there were any further questions. Hearing none, she noted for the record that Commissioner Finks would be leaving the meeting at this time (7:08 p.m.). She then asked if there was anyone wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak in opposition to the request. Hearing none, she closed the public hearing and asked for discussion.

Mr. Da'Mes said the concern when you build fences within neighborhoods is how you are separating the neighborhood as far as pedestrian traffic; but, in this situation where the roads end within a cul-de-sac and the way the developments are situated, it does seem appropriate. With that being said, I make a motion to approve the special use request with the conditions provided by staff.

Mr. Way seconded the motion.

Vice-chair Fitzgerald said there is a motion and a second before us now. She then called for a voice vote on the motion.

All voted in favor of the motion (5-0).

Vice-chair Fitzgerald said the request moves forward to City Council on December 13, 2011 with a favorable recommendation from Planning Commission.

***Special Use Permit – 1559 Red Oak Street***

Vice-chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities.

The following land uses are located on and adjacent to the property:

- Site: Vacant 2,500 sq. ft. building, zoned M-1
- North: Various industrial businesses, zoned M-1
- East: Various industrial businesses and undeveloped land, zoned M-1
- South: Feed Mill and undeveloped land, zoned M-1
- West: Industrial uses, undeveloped land, and railroad, zoned M-1

The applicant is requesting a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities within the M-1, General Industrial District.

Specifically, the applicant would like to utilize a 2,500 square foot building, located at 1559 Red Oak Street, for a training facility related to a strength and conditioning business.

Next Level Athletic Development, LLC provides sports performance training for athletes, as well as personal training for individuals seeking to improve their overall health. Training is offered on an individual basis or in small groups, by appointment only; this would not be a commercial open gym. The applicant has stated that this type of open space facility is exactly what is needed for the training he offers.

If the special use permit is approved, a change of use permit and other necessary building permits would be required prior to operation of the training facility. The applicant has been in contact with the Building Codes Division regarding permits. They have already been granted a modification from the Virginia Construction Code regarding the number of bathroom facilities required in a B (Business) use group. Generally, a 2,500 square foot building for a business use would allow a maximum occupancy of 25 persons, which would then require two separate bathroom facilities. The applicant has received approval from the City Building Official to operate with just one bathroom facility; however, occupancy would be restricted to no more than 15 persons in the building at any time. The reduction in occupancy reduces the number of required parking spaces to two, which should be easily accommodated at this location.

The property is located at the end of a cul-de-sac, within an area that has a mix of small-scale, industrial uses and staff has no concerns regarding the proposed use at this location. Staff believes

it is a positive use of an otherwise vacant building and supports this request with the following condition:

1. The permit shall be applicable only for the use, or a substantially similar use, as requested in this application.

Vice-chair Fitzgerald asked if the limit on the number of bathrooms has been approved for one year only, what happens after the year is up?

Mrs. Banks replied if things go well at this location and the tenant decides to stay, he would need to contact the Building Official and request an extension of this modification.

Mr. Way said when you talk of a substantially similar use as a condition; does that include the idea of appointment only rather than an open gym type scenario?

Mrs. Banks replied yes, most definitely by appointment only.

Vice-chair Fitzgerald asked if there were any further questions for staff. Hearing none, she opened the public hearing and asked the applicant or applicant's representative to speak.

Mr. Mike Martin, 190 Clara Court, said he is the owner of Next Level Athletic Development. Currently I train athletes at different locations; quite often it is over at Eastern Mennonite University (EMU), I also work with some of their teams. It would be great to have my own facility; I think it would help to grow my business. This is a great opportunity and it would be a one year lease, which is enough to see if it works. I have already discussed with the Building Official about the possibility of an extension after a year, and I would probably have to put in another bathroom. The other option would be to look for a different place. I want to give this a try and I appreciate your considering this.

Mr. Way asked whether he envisioned the numbers of the business going up significantly each year.

Mr. Martin said I am only limited to 15, including myself, so that puts a cap on group size. I do not really like to train too large of a group because I feel it is hard for me to do a great job when the numbers are large. So I do not see the group number going up.

Vice-chair Fitzgerald asked if there were any further questions for the applicant. Hearing none, she asked if there was anyone wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak in opposition of the request. Hearing none, she closed the public hearing and asked for discussion from Planning Commission.

Mr. Chenault said I think this is an appropriate use of this piece of property and this building. It is obvious that the applicant has worked very closely with the City and Building Division on this and has made good accommodations to make his use fit in with the building code. With that, I move for approval of the special use permit with the condition suggested by the staff.

Dr. Dilts seconded the motion.

Vice-chair Fitzgerald said there is a motion and a second before us now. She then called for a voice vote on the motion.

All voted in favor of the motion (5-0).

Vice-chair Fitzgerald said the request moves forward to City Council on December 13, 2011 with a favorable recommendation from Planning Commission.

***Special Use Permit – 1106 Reservoir Street***

Vice-chair Fitzgerald read the request and asked staff to discuss.

Mr. Fletcher said the Comprehensive Plan designates this area as Professional. This designations states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas in the same manner as described for Planned Business areas.

The following land uses are located on and adjacent to the property:

- Site: Retail use and undeveloped property, zoned B-2
- North: Across the Norfolk Southern Rail Line, professional office and commercial uses, zoned B-2
- East: Non-conforming multi-family units, zoned B-2
- South: Commercial uses, zoned B-2
- West: Across Reservoir Street, Harrisonburg Electric Commission Substation, zoned R-3

The applicants are requesting a special use permit (SUP) per Section 10-3-91 (4) of the Zoning Ordinance to allow a telecommunications tower of no more than 125 feet in height. The property is located at 1106 Reservoir Street, is zoned B-2, General Business District, and is impacted by the floodway and floodplain of the small, nearby tributary. The property is adjacent to the Norfolk Southern Rail Line and the controlled rail line crossing with Reservoir Street as well as across Reservoir Street from one of Harrisonburg Electric Commission's substations. The applicant is requesting to erect a 124-foot telecommunications monopole tower.

The information submitted by the applicant regarding the height of the tower within the packet is inconsistent. A letter states the tower would be 120 feet in height and the engineered drawings of the tower illustrate it would be 125 feet. However, staff has confirmed with Global Tower Assets (GTP) that the main structure of the tower would reach 120 feet in height with a four-foot lightning rod attached to the top, bringing the entire tower structure to a height of 124 feet. The tower would be a galvanized steel finish with antennas of a neutral, non-reflective color owned by AT&T mounted at the top. The tower would not be lighted. At the base of the tower would be an 11'5" X 28" shelter/cabinet owned by AT&T to house the equipment associated with their antennas. The tower facility would also include four additional areas for future co-location tenants. All of this would be within a 2,304 square-foot area of the subject property, enclosed by a six-foot chain link fence capped with barbed-wire, leased by GTP from the property owner. Currently, the lease area is shown within the two properties owned by Mr. Strawderman; however, although not required, he is planning to adjust the property boundary by moving the lot line approximately 137 feet to the southwest, closer to the existing structure at 1106 Reservoir Street.

GTP states this tower is needed for an increased level of in-building penetration, to offer a solution for off-loading capacity from the surrounding AT&T antennae locations, and to bring 4G services in the form of LTE (Long Term Evolution) technology to the City.

Staff contacted the Harrisonburg Rockingham Emergency Communications Center (HRECC) to see if they had any problems related to this tower location. The HRECC has an 800 MHz simulcast timing path that travels from its equipment on Tower Street to the Stone Spring radio site located near Stone Spring Elementary School. The proposed tower is close to this path, but they are comfortable in stating that if this tower were erected where proposed, there should not be interference with the HRECC radio system. GTP further stated they would operate within the 700 MHz and 1900 MHz frequency bands, which would not interfere with HRECC's frequency.

A letter included within the packet of information (with the "Sabre Towers & Poles" letterhead), describes the tower is highly unlikely to fail, structurally, in a wind event. However, if a wind event should occur beyond the built-in safety factors, the pole should buckle, or bend, in the area of the poles highest combined stress ratio in the upper portion of the monopole, and therefore fold over upon the portion below the failure location.

Although this property is zoned B-2 and almost completely surrounded by B-2 zoned properties, the Comprehensive Plan designates this parcel and many of the surrounding properties for Professional uses. The surrounding properties that are not designated for Professional uses are designated Medium Density Residential—many of which are also zoned R-3, where the uses conform to the zoning classification. The long term land use designations of the subject property and surrounding properties are not compatible with such an obtrusive structure. Staff recognizes this is a busy area of the City with nearby commercial uses, yet such circumstances do not support approval of this SUP. Staff believes approving this request would not do justice in protecting the private property rights of the nearby property owners.

Staff appreciates GTP's plans to provide additional space for future tenant co-location possibilities. We also understand that such infrastructure is needed to provide stronger signal strength and capacity and connectivity to our City; however, we believe such a use would be incompatible with the uses in the surrounding area. Staff recommends denial of this application.

If, however, it is decided to approve this request, staff recommends the following conditions be attached to the permit:

1. If the telecommunications equipment ceases to be used for more than 12 months, all equipment, including the pole, shall be removed within a timeframe determined by the City at the owner's expense.
2. Only equipment as shown on the submitted drawings, or equipment substantially similar to such equipment, including co-locations as shown, shall be approved under the issuance of this special use permit. Future tenants shall verify with HRECC that their additional telecommunications equipment will not interfere with HRECC's equipment.
3. Placement of advertising of any kind is prohibited on the antennas and equipment.
4. The pole and antennas are to be a neutral color that blends in with the surrounding area.
5. The fence shall be maintained so as not to appear dilapidated or in poor condition.
6. Evergreen landscaping shall be planted and maintained along the exterior of the fence to provide a semi-opaque screen. Such evergreen planting shall be six feet in height when planted.
7. If any of the above conditions are found to be in neglect, a certified letter will be sent to the property owner, at which time the provider will need to bring the equipment into

compliance. If the equipment is not brought into compliance within 10 days, the special use permit will be held null and void and all equipment approved under issuance of this permit shall be removed within a timeframe determined by the City at the owner's expense.

8. If in the opinion of Planning Commission or City Council, the equipment becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit. If the permit is revoked, all equipment shall be removed within a timeframe determined by the City at the owner's expense.

Vice-chair Fitzgerald asked if there were any questions for staff.

Mr. Da'Mes said you mentioned that there is an emergency system and tower nearby; does that tower have co-location capability, and was it checked on?

Mr. Fletcher replied yes, it has co-location capability and I believe the tower is full. There is the possibility of co-locating on the water tower, and it does have availability.

Mr. Da'Mes clarified and said the water tower is available, but the tower is not.

Mr. Fletcher said correct. These two locations are right next to one another on property located along Tower Street.

Mr. Chenault said I am guessing that the water tower location does not provide a service area location that is needed in this case.

Mr. Fletcher said I do not believe that the location of the Tower Street water tank and tower was in the area that the applicant needed. The representative for this request will be speaking to you regarding that information.

Vice-chair Fitzgerald asked if there were any further questions for staff. Hearing none, she opened the public hearing and asked the applicant or applicant's representative to speak.

Mr. Lynn Koerner, 3126 South Ox Road, Edinburg, said he is a consultant working for the interested parties in this request. The proposal before you this evening is for a 120-foot, monopole structure, with a four-foot lightning rod; for a total height not to exceed 125-feet. All related equipment would be located within the fenced compound. This tower is designed to provide a platform for AT&T and their coverage, to address coverage issues and capacity issues. Capacity is when surrounding sights become overused; therefore, the more data that is transmitted and the more calls that are made, the more the coverage shrinks. Then you get the dropping of calls and so forth.

AT&T provided us a random search area with the instructions that something (tower, co-location, etc.) was needed in this area to address capacity issues. Mr. Koerner then discussed where the existing AT&T sites were located throughout the City. It is also my understanding that there has already been contact made from an AT&T consultant to the City's Emergency Services and it has been determined that the tower is full, but they are in some discussion about locating a site on the water tank. Even with the proposed future site at Tower Street, we still need this location to fix the problem of dropped data. This site that we are proposing is driven by several factors, one of which is the increased level of the in-building coverage and penetration in this specific targeted area. Secondly, this is a solution for off-loading the capacity from the other sites.

Today's environment of the wireless system is data driven and the data just "eats-up" the band width and shrinks our coverage. Today's customers seek the ability to use their wireless devices in their cars, homes, businesses, shopping, restaurants, etc. and the growth of the smart phone, tablets, gaming devices and so forth, cause problems with capacity issues and more and more usage needed. We have evolved past the idea of using a phone just to make a phone call.

In 2010, the data traffic was three times greater than the total global internet traffic in the year 2000; that is just data traffic, not calls. There are also statistics that indicate 31 percent of all phones in the United States are smart phones and more applications (as apps) are coming out every day for smart phones. With the increased use of the smart phone and tablets, data traffic is only going to increase. Another big draw on the capacity is the video traffic; which has increased to about 52 percent of the total traffic experienced on these sites. Here are some numbers that were randomly pulled from the October 2011 stats on the Hampton Inn site and the sectors that point towards our targeted area. On Sunday, October 1<sup>st</sup>, there were 874 calls, with 106 dropped calls for an 8.2 percent drop rate. On Wednesday, October 4<sup>th</sup>, there were 691 calls, with 77 dropped calls for an 8.9 percent drop rate. On Monday, October 24<sup>th</sup>, there were 820 calls, with 97 dropped calls and on Friday, October 28<sup>th</sup>, there were 904 calls, with 106 dropped calls for a drop rate of 8.5 percent.

Mr. Way questioned where the area was that was dropping these calls.

Mr. Koerner explained that these statistics were being pulled from the cell site on the roof top of the Hampton Inn.

Mr. Way asked if these statistics were specific to the target area being discussed tonight.

Mr. Koerner replied yes they are. The calls may be coming from Barnes and Noble or the Valley Mall, or the Hardees right up the road from the site, but the statistics we pull reflect that at this area is where the calls are dropping. To fix that situation is to put a site in this area.

Mr. Way said you determined that this location is the best in order to fix the problem?

Mr. Koerner said we could go through all the stats and see that there are dropped calls from numerous sites; I just pulled stats from this particular site.

Vice-chair Fitzgerald said the point being is the aim of this proposed tower is to improve the dropped call percentages from all sites, not just the Hampton Inn site.

Mr. Koerner replied yes, a site in this target area will fix the problem. We have to look at it as if each site is a 60 watt light bulb, glowing brightly throughout the City. Put those bulbs under an extra load which is pulling from them, and they naturally start to dim. This creates small holes in the middle. That is what happens when 25 people get on the phone; it puts a load on the tower site. Put 50 people on the phone and it pulls even more signal and the coverage area begins to shrink. As it shrinks it opens up a hole. What we are trying to do is fix the hole so that people have the experience they are paying for.

Mr. Way said that does make perfectly good sense. Do you have any information as to what that percentage of dropped calls may come down to if this tower is in place?

Mr. Koerner said typically we would like to get it to zero; but, a very minimal percentage is what we are working towards, eight to nine percent is unacceptable. It is somewhat like if you were running a business and on a monthly basis ten percent of your customers are not showing up or not buying.



Mr. Da'Mes said in describing the situation you are talking about the amount of data; data in the form of telephone calls is relatively minute compared to texting or transfer of digital media. When you say "drop rate" does that refer to drop of calls or drop of communication?

Mr. Koerner said it is drop of communication or connections.

Mr. Da'Mes asked if it was a delay in connections or a drop in connections.

Mr. Koerner replied that the report just refers to drop; whether it is considered a call that was unable to be made or one that was terminated prematurely, I do not know.

Mr. Da'Mes said in the sequence of things does a phone call supersede a data transfer?

Mr. Koerner said I do not know the answer to that question.

Mr. Da'Mes said I asked because it would make more sense to allow the phone call through and delay the text; I am sure the technology to do so is available.

Mr. Koerner said much of what you refer to as data is the transmission of photos, PDF's, using applications and so forth; it is all using that one signal.

Mr. Da'Mes said to clarify it is not just dropped calls.

Mr. Koerner replied it is drops, not just necessarily a phone call. Typically, when the system is really overloaded you can get through with a text, where you cannot with a phone call.

Mr. Koerner continued by saying that another statistic shows that approximately 30 percent of all households are going wireless only. I am sure that in Harrisonburg, with all the students and college rental areas, that this number is probably higher. This also contributes to the drain on our system. In 1996, there were 38.2 million wireless subscribers in the United States, in 2011 there are 322.9 million and the trend for texting has increased to 196 billion texts per month.

It is our opinion that good, quality, reliable service provided by additional coverage and capacity in this area is necessary for those living, working, and visiting this area and in Harrisonburg. The standard mission of the City's Department of Economic Development as stated within Chapter 13 of the Comprehensive Plan is to "increase the number of higher paying job opportunities available in Harrisonburg by attracting new businesses to this community and assisting existing firms to expand locally." A stated goal is to "increase technology-related job opportunities in the City", with the objective being to attract technology and/or telecommunication firms. We maintain to assist in attracting these firms the desire should be to ensure the presence of reliable wireless service. In Chapter 12 of the Comprehensive Plan, Community Infrastructure, Services, Safety and Health, the paragraph reads "Telecommunications: The City is served by a number of providers including Verizon, NTelos, Comcast and Shentel. These providers maintain a critical infrastructure that is vital to the quality of life and economic development of the community. These systems are deployed throughout the City so that the broadband, wireless, and emergency communications are met. Along with other infrastructure in the community, these facilities are deployed in a manner that maximizes customer service, while minimizing the proliferation of towers and duplication of utility poles. The proposed tower is located in an area that is adjacent to a sub-station, and to railroad tracks, and just to the west are professional offices. The nature of the area to the east is not a single-family home residential area, but a multifamily housing area; which is also a revenue driven market and fits into the category of business and the professional aspect of the area.

You cannot hide a tower like this; but, we feel that placing this in this location is a good placement for it because of the surroundings. As was mentioned, the tower structure is not going to be much taller than the existing 75-foot poles on the site now, especially with the elevation changes. We maintain that the tower will blend in with the area. In our search for a site we did ask about the use of the power transmission lines along the railroad track within this area. Harrisonburg Electric Commission does not lease their poles out for the use of telecommunications.

This proposed site will be made available to additional carriers and we have reached out to two, Shentel and Ntelos, and they both show some interest in the area. If you recall Shentel proposed a tower several years back along East Market Street at the Rockingham Group; ultimately, they ended up locating on the Tower Street tower. They are on the Tower Street location and they still have a hole in this area that they are looking at.

As part of AT&T's outreach to the area, we like to send our own letter to adjoining property owners, indicating what is proposed and a phone number they could call if they had any questions. We did not receive any responses from the letters that we mailed out.

One final note, the proposed tower is positioned to provide existing and future land uses in this area of the City with telecommunications needs. If there are any questions at this time I would be pleased to answer them; and if I could, I would like to speak briefly after anyone else has commented on the proposed project.

Mr. Way said you wrote to the adjoining property owners, did you also give letters to or speak to the residents in the area?

Mr. Koerner replied only to the owners of the properties, each resident did not get a letter.

Vice-chair Fitzgerald said I have a sense of what this would look like; could you describe to me what it sounds like for a persons living relatively close?

Mr. Koerner said there is the equipment noise; from the tower itself there is nothing. AT&T has a building which contains an air conditioner unit on one end, so you hear the humming of the air conditioner when it is running. In emergency situations where there is a power outage, AT&T may bring in a generator. Otherwise there is no noise.

Mr. Way said regarding the safety question, explain how this tower would fall onto itself and not onto other properties in close proximity.

Mr. Koerner said we make sure these towers are not placed right next to a residence. These monopoles have anywhere from a four to five foot base with 25 or more bolts holding the base in place. The sections come in 20 to 30 foot sections and they are slip-jointed together on this base. Therefore, the weight of it secures it to the base. These sections are designed not to tip over, but to collapse upon themselves; even a lattice type tower is designed in this manner. The towers with the guy wires, where one of the wires is damaged, will fall over because the other guy wires are pulling it over.

Dr. Dilts asked if any thought was given to something creative with the monopole; for instance, I have seen one that looks like a pencil. I have not spoken with anyone on Planning Commission about whether that would mitigate some of the concerns; but, I wondered if something that is in a sense more artistic might be worth pursuing.

Mr. Koerner said we would entertain any recommendations; but, the concerns would be with the influx of the Fourth Generation and Long Term Evolution (4G and LTE networks) and the towers

you are describing – the number and type of antennas that need to be installed to make that system work create real problems when you try to put them inside that type of tower. As an example, there is an existing site that has three of the panel antennas on it, in order to upgrade that site to be compatible with the LTE and 4G you need to add six additional antennas to the site. On a structure like the proposed one, where you have an antenna array you can mount new antenna and get that. So, if AT&T is on top at 120-feet and you have Verizon at 115-feet and Shentel at 100-feet, they can all fit on that one tower. If you build this tower all enclosed and AT&T needs 120-feet, the areas that are below the 120-feet that are vacant for co-locators on an exposed tower are now not usable because AT&T is needing to use them. Now you have a tower that other carriers would like to be on but cannot; you could have a proliferation of towers.

So to answer your question, yes there are methods of screening and tower designs that can be utilized. Is it practical from a standpoint of this Commission to recommend restriction to that type of structure which then would constitute additional tower structures coming before you? We feel this site and where it is located, being minimally above the existing infrastructure that is currently there, will not be readily visible and obtrusive to the general public and the area. It is a fit for that type of neighborhood.

Mr. Chenault said you discussed signal penetration and that is interesting and important to me. Fire and rescue, and police often have an occasion to resort to cell phone use when indoors to communicate to one another; even though we do have a sophisticated communication system for the City. Of course that signal penetration becomes very important in some circumstances. Am I to understand that this would aid in that type of signal proliferation within a structure? I think more and more with cellular and wireless devices, signal proliferation for public safety is becoming an important element of that. So will this aid in that?

Mr. Koerner replied yes and explained how the provided proliferation maps show the change in capacity coverage.

Mr. Way said there is an affidavit provided from a Mr. Rosenfeld, Site Acquisition Specialist, who states there are other property owners that are interested in working with AT&T as a location site for this area. What are the particular benefits of this site versus some of the other ones looked at?

Mr. Koerner said with each site looked at you try to find a site that blends in as much as possible with other things sticking up in the air, hopefully as far away from traffic areas as possible. If you try to locate in a parking lot you do not want to take up leased area from an existing tenant. Access becomes an issue, you do not want to impede the flow of traffic, but you do not want to impede access to the actual tower.

Mr. Way asked about roof-top installation.

Mr. Koerner replied one of the sites looked at for this proposal was the roof-top of Holiday Inn. The radio frequency (RF) engineers did not accept that as a viable option because it was too close to an existing site. The RF personnel are the ones who make the determination of which area is the best, or the area that will work. Then, it falls to where can you best place that site for purposes of: Is it allowed? Does it meet setbacks? Is it far enough from adjacent buildings? What are ordinance requirements?

Mr. Da'Mes said what is interesting about this location site is the fact that it is in a low lying area versus locating it at a higher point where you might only need 80-feet to be equivalent to the 125-

feet from the lower point. There are buildings within this vicinity that could possibly accommodate such a site.

Mr. Koerner said I do not know if contact was made with all the property owners regarding co-location, or even if it was feasible to locate a tower on these structures.

Mr. Da'Mes said a roof-top would not allow for multiple co-locations, where as a tower would, so the driving force behind creating a tower is that you create further income by having co-locators to off-set cost.

Mr. Chenault clarified that a roof-top could have multiple co-locators.

Mr. Koerner said in this case the tower is for AT&T, they need a site, the site acquisition personnel go to the obvious surrounding areas and research building roof-tops. It is much easier to work a deal with a property owner to go on an existing building or structure, than it is to go through the entire zoning process. When AT&T realized they could not find anything for co-location, they contacted Global Tower and said we want a structure here.

Vice-chair Fitzgerald asked if there were any further questions for Mr. Koerner. Hearing none, she asked if there was anyone wishing to speak in favor of the request.

Mr. Butch Strawderman, 4010 Traveler Road, said he is the owner of the subject property. I did go and speak to as many of the adjoining owners as possible. I did speak to two owners that I felt may oppose this request, they are Dr. Zapanta and his wife who own the medical complex to the east, and Stephanie Brooks who owns the Copperstone Building Complex. Neither had any concerns, nor are they opposed to the tower. I have an e-mail from Mrs. Brooks that I would like to present to you. Today I spoke to the owner of the Trim Runner business, Mark Scafidi; he has absolutely no opposition. While I was there I also spoke with the taco truck owner. I did go across the street and speak with some of the tenants that reside in the nearby townhomes; there was somewhat of a language barrier. The gentlemen that bought those townhomes basically bought those as an investment, a cash flow. It is basically a commercial business for him; it is very transient housing, maybe a year or two. Of the tenants I was able to communicate with, no one was opposed to what is proposed.

If you have visited the proposed location, you would notice the larger towers already there, the numerous lines going across the area, the railroad tracks, and the power station. Because of the elevation change I do not think that this tower would be any higher than what already exists. I truly do not see how this tower would be more of an eyesore from what is there.

Vice-chair Fitzgerald asked if there was anyone else wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak in opposition of the request.

Mr. Ted Byrd, City Council member, said he was not speaking in favor of or opposed to the request; but, he did have a question and comment. From this view shed could you identify the structures that exceed the mean feet above sea level? The perspective we have been given shows how this looks at this location, but if you go across the interstate I believe there are structures that actually exceed this height – those structures being the lights at the JMU soccer fields and possibly even the new library. So that is my question, are there structures in this view shed that actually exceed this height from the top?

Mr. Fletcher said staff will look into obtaining that information.

Vice-chair Fitzgerald said is there anyone else wishing to speak. Hearing none, she asked Mr. Koerner for closing comments.

Mr. Koerner said I would like some clarification on item six of the conditions. We want to screen the base of the tower; screening it with trees that are six foot tall at planting would be infringing on a sewer easement and into a parking lot.

Mr. Fletcher said you can plant in those areas, you can plant in an easement and the root base does not dig down into it.

Mr. Koerner said we do not want to shrink the lease area because that may limit any co-location opportunities. On the side facing Reservoir Street, possibly we could do a privacy fence or something like that. We do not have any objections to screening, but I just want to clarify that it might be better to have something other than trees. I just wanted to let this be clarified now so that we do not have to go back through the process again at a later date.

We feel that the proposed monopole structure and related facility is cited in a location that will have minimal negative impact on the surrounding area and surrounding businesses. It is in fact compatible with the surrounding area and businesses. Wireless infrastructure is critical to the area, just as utilities such as substations and transmission lines. The proposed site is unmanned and will not present any traffic increases for vehicular traffic on the surrounding roads. We feel the site is consistent with planned growth and planned growth calls for the development of infrastructure. At this time I would like to ask the Planning Commission for their support and approval of this application for a special use permit for the tower.

Vice-chair Fitzgerald asked if there were any other comments or questions. Hearing none, she closed the public hearing and asked Planning Commission if there was a motion.

Mr. Way said I think that the general principle of having more telecommunications infrastructure is clearly an immensely valuable thing for the City. It is somewhat of a no brainer that we want to have more ability to be networked in the new ways that have been spoken about tonight. I think if we want to be welcoming to businesses, to new technologies, and industries in the City, then clearly you have to have the telecom infrastructure to do that. That is what makes this a bit of a tough case. We look at the Comprehensive Plan and it says that the area is identified as a professional area and you could very much argue that having better telecommunications infrastructure helps professional endeavors. However, from a land use perspective I do not think it is fitting with the idea of a professional development. This idea that the area is not as scenic as it might be, I think is a definite issue; but, one could look at it the other way and question do we want to compound that problem. And let's think about the development of Reservoir Street as becoming more of a major thoroughfare and we might want to think about keeping open the possibility for a larger scale professional development in the area that this tower might impinge. The final point that makes me hesitant about this is that this area is identified in the Comprehensive Plan as being an area where a greenway park is supposed to be coming through and this tower might be going in the opposite direction of greenway. I can see the definite professional technological benefits of this, but I can also see some of these as an antagonism to what we have collectively set out as a vision for that part of town.

Dr. Dilts said part of the reason I brought up the idea of a pencil-looking tower was that where it is located it sits up on a hill that is in amongst apartments and single-family homes. As a pencil, it was a way for AT&T and the City to get the kind of telecommunications potential that was needed,

but to also make it something that was eye-catching, artistic, and a bit of whimsy. In this case it recognized the City's commitment to education. That is why I was pushing the issue of the pencil. You are discussing a greenway in this area, if you had some type of tower that was a bit whimsical and interesting, different from a stark tower with antennas.

Mr. Way said I am 100 percent supportive that we should be having much improved telecommunication infrastructure; but, I wonder if there is a better way of doing it. Perhaps on more creative grounds, as Dr. Dilts suggests, or possible other locations or roof tops.

Mr. Da'Mes said that brings me to the question of the enclosed structure. Is there any information that we could acquire that would tell us about these type structures? I am kind of baffled that the City does not require a bit more of artistic look or preference to camouflaging these types of structures. We had this same dilemma two years ago when we looked at a tower site along East Market Street and eventually they were able to locate elsewhere. I can think of locations in this area, like the tennis court's light poles, and wonder if all options have been exhausted. My question for staff is if there is any way we can educate ourselves on these types of issues?

Mr. Fletcher said regarding your comment on co-location sites, that is a question staff was asking too, and we never got an answer. Antennas can be designed in ways that they can go on the side of buildings where they are almost invisible. The Holiday Inn has panels on the sides that are painted the exact same color as the hotel and you do not even know they exist. There are ways to hide certain structures. Something that has been discussed before is ordinances that further control these types of things; it is something that can be investigated further.

Mrs. Turner said this can be investigated further, but, staff is not going to be able to reach the expertise that Mr. Koerner has on something like this. I do not want to give an impression that staff will be able to come back here and tell you in our expert opinion whether or not this particular facility can be disguised as something else. We would have to have a consultant on retainer with the City in order to be able to give you some type of analysis like that.

Mr. Chenault said I am going to move that we approve the special use permit with the conditions requested by staff. I think it has been amply demonstrated, the advantages that the necessity of this tower creates and answers. It makes sense and I feel it has been very well demonstrated by the applicant here tonight, particularly the penetration issue. That is a known hazardous quantity in public safety that is becoming a bigger problem as time goes by. These types of facilities can help answer that.

I think we tread on a slippery slope when we as a Planning Commission try to start exercising our technical curiosity beyond the point where it becomes part of the planning process. Obviously expert analysis has been done by the companies and obviously they have their own agenda; but, I know from experience that if they could locate this on the roof of a building, they would do it. It is much cheaper and it makes common sense to do so rather than build a tower. Secondly, sometimes what people forget, is when you have towers you have the associated equipment that goes with them and there are a lot of roof structures that would not accommodate that load, especially on today's type of construction. You will see a lot of the co-location on older buildings, like the bank buildings downtown, but they are brick, mortar, and steel.

As far as the uses that are at the site now, and what is going to happen in the future, I do not think we know what is going to happen in the future. We have just finished a new rewrite of the Comprehensive Plan and for me personally, I do not see this tower as being incompatible with the

existing uses or with the appearance of the existing uses. I do see it as an issue in single-family neighborhoods, duplex neighborhoods, cemeteries, and parks; but, some localities encourage this type of development in parks. I wonder if you ask the folks that live in this area would they rather have the tower and have better cell phone coverage or not have the tower and having to deal with the coverage they have. I suspect that most people would say they would rather have the tower. This is an entirely rental area on this entire side of the interstate. This is certainly no worse than the concrete poles that go down the railroad track. I appreciate the comment about the greenway park through this area, but the last time that was looked at the cost for relocating and doing that was over 100 million dollars. Unless the railroad leaves the area, we are not going to see that greenway happen; therefore, sometimes we have to deal with what we have, rather looking too much in the crystal ball. When I asked myself where else this could be, sometimes you just need to put on some blinders and look at it from a common sense standpoint. This may be the best place for it.

With that I move to approve the special use permit with conditions as provided.

Mr. Way seconded the motion.

Vice-chair Fitzgerald said there is a motion and a second; she then asked if there were any further comments.

Mr. Way said I would like to reiterate that I have very mixed feelings on the issue; I can see both perspectives.

Mr. Chenault agreed.

Dr. Dilts said I find Mr. Chenault's argument about penetration, particularly in the case of public safety, an interesting argument. Think about what happened with the earthquake and how difficult it was to get any type of phone call through.

Vice-chair Fitzgerald called for a roll call vote on the motion.

Commissioner Dilts – yes.

Commissioner Way – no.

Commissioner Da'Mes – no.

Commissioner Chenault – yes.

Vice-chair Fitzgerald – yes.

The motion to approve the special use permit with the proposed conditions will move forward to City Council on December 13<sup>th</sup> with a favorable recommendation (3-2).

### **Unfinished Business**

None.

### **Public Input**

None.

### **Report of secretary and committees**

Mrs. Banks said in your packets this month are two proactive reports; the September report, which would have been part of the October packet, and the October report. In September, inspectors were

out in the Court Square area of the City where two violations were noted. Both were for discarded materials.

The Bluestone Hills/Valley Mall area was inspected as part of proactive zoning for October 2011. There were 31 violations consisting entirely of sign ordinance violations. Next month zoning inspectors will be in the Preston Heights area; which will also wrap up another three year cycle of proactive zoning.

### **Other Matters**

#### ***Proposed Parking Lot Landscaping Ordinance***

Mr. Fletcher said if you recall several months ago the Planning Commission said they wanted to move forward with looking into a new landscaping ordinance and before you tonight are the five or so pages that comprise the proposed ordinance. He then began presenting and discussing information as was shown on a Power Point. This comes directly from the City Zoning Ordinance, Section 10-3-25, Subsections 3 and 4, which is our landscaping ordinance as it is today. The proposed ordinance builds off of some of the information found within these subsections and I would like to review a few existing statements found within the current regulations that we have kept in this proposal.

The first states all parking lots, other than industrial sites, requiring more than 10 parking spaces shall include a well defined and well maintained landscaped areas equal to at least 15 percent of the total area to be used for parking, maneuvering and driveways on the site; we have kept the 15 percent. Another item we kept was the landscaping border of 10 feet in width that has to be around the properties. Our current regulations say that you do not have to do this border if you put up a wall or fence and we have kept elements of that also. Another component we kept is that when you are counting your landscaping area it has to be within 30 feet of the parking, maneuvering, and driveway area. There is also the requirement within subsection 4, that within shopping centers if the 15 percent landscaping requirement cannot be met, then parking rows should be divided with landscaping islands. These are some of the elements that we have kept from the current regulations.

Moving forward with the new language, the first item is "What is landscaping," currently we do not define this. What the proposed language says is that it must be living vegetation; it cannot just be rocks or mulch. Other definitions now included are: *landscaping island*, *outdoor display areas*, and *parking bay*.

In the proposed language we discuss the 10-foot landscaping borders and the required tree planting. The proposed language reads that all parking lots shall be separated from all public street right-of-way with a 10-foot landscaping border. This area cannot count towards the 15 percent landscape requirement and you can no longer put up a fence or wall to remove the 10-foot requirement. There is also a 10-foot landscape border required around the sides and rear of the property as well; this would continue to be an option of 10-feet, a wall or fence. Along with this we have proposed a minimum fence/wall height requirement of 3 feet.

Mr. Way asked if there are recommendations about location of the parking lot in relation to the building in terms of encouraging developers to put the parking lot behind the building.

Mr. Fletcher replied what this landscaping parking lot proposal is doing is two-fold. One it is trying to alleviate the viewscape of just looking at a parking lot. The required tree planting along the street, within the 10-foot border, helps to buffer and screen parking lots, as well as gets some street



trees in place. The trees have to be planted within areas adjacent to the parking lot and public street right-of-ways. Within the proposed landscaping ordinance you have four different options from which to choose when planting in the landscape border.

Mr. Fletcher reviewed the different planting options within the landscape border and noted that definitions of the various trees and shrubs were also proposed. He stated that also within the definitions we have defined *caliper*, because there is always discussion about what the caliper means. How you obtain the caliper is you measure the circumference of the tree, divide that number by  $\pi$  (3.14), and that gives you the caliper.

Mr. Fletcher continued by saying that after discussion with other interdepartmental staff, it was decided not to list specific species that could be planted within the border.

Mr. Da'Mes said perhaps you could say preferred species or native.

Mr. Fletcher replied yes we could as our ordinance already does that in our existing landscaping regulations within subsection 3, where it states it is suggested to use regional species.

At this time Mr. Fletcher presented to the Planning Commission different examples throughout the City of what the 10-foot landscaping border looks like.

Mr Way commented that the landscaping was in the businesses' best interest to do; it appears to add value to the overall property.

Mr. Fletcher said in your landscape proposal are some images of parking lot scenarios that, if this proposal is approved, these images would be placed into the Design and Construction Standards Manual (DCSM), as examples of design guidelines for the landscaping ordinance. He then reviewed each scenario and how it applied to the proposed ordinance.

Some of the miscellaneous items that are being proposed include: any area within the parking lot that is not being used as parking, maneuvering, or travel ways, should be landscaped; all landscaping should not interfere with the DCSM standards for sight distance; required landscaping is suggested to be in accordance with the International Society of Arboriculture; no longer would it be allowed to display goods within landscaping islands or the required 10-foot landscape border (this is often seen at auto sales businesses); and he noted that it is the owners responsibility to take care of any dead or missing required vegetation and that it must be replaced within a year upon notice.

I want to point out an exception for parking garages, proposed within the new ordinance. We recognize that parking garages would function and look quite different from an open parking lot. They are buildings, they are not parking lots. Rather than having landscaped areas that are based upon 15 percent of the parking lot, parking garages would be based upon 15 percent of the total floor plate of the building.

I would like to review non-conforming parking for existing buildings. Imagine a shopping center that is being added to; the existing shopping center already meets and exceeds the required parking, but does not conform to the proposed landscaping standards. What we are proposing is that the addition can be constructed; however, any additional parking that is installed, whether it is required or not, the landscaping would need to be done proportionate to the additional parking. If the property currently has a landscaping border that is at least 5-feet in width, any addition to the parking lot would then put the property into the threshold of having to plant the street trees. This

requirement is not proportionate to the new parking; it would be for the entire parking lot width. This would help to attain some of the street tree objectives noted in the Comprehensive Plan.

The proposed ordinance provides information on what a developer would need to submit to meet the landscaping plan. This would include the calculation of the required landscaping area as showing that the required 15 percent is met would be needed. As well, the location, size, and schedule of plantings and if existing healthy trees or wooded areas are being preserved to count towards the 15 percent, would need to be shown.

If this is approved, there are some other areas of the Zoning Ordinance that we are recommending to be amended as well. First would be to amend the by right use of parking lots within the B-1, District; this would be to get rid of the separation of public versus private parking lot and to remove parking garages as a by right use altogether and make it a special use. Along with this change we are recommending adding parking garages as a special use to R-6, R-7, and MX-U. Parking garages are already permitted by right in R-3, R-4, and R-5; this would require applying the standards of the parking garage exception proposed in the ordinance.

Mr. Fletcher continued saying there would be an addition of specifications and guidelines associated with the Certificate of Occupancy (CO). Within Section 10-3-11, proposed item (c) would allow for a surety to be posted if one does not, or cannot, complete all of the required landscaping at the time of CO issuance. Within Section 10-3-17, which lists all the items necessary for comprehensive site plan review, we are proposing to add item (9) to include all details for meeting landscaping requirements.

The proposed ordinance works towards achieving Goal 8 of the Comprehensive Plan, which is to preserve and enhance the City's natural resources and encourage development that is compatible with nature and Objective 8.4, which is to preserve and expand green spaces and tree planting in the City. The ordinance is utilizing one of the Strategies by considering adding street tree planting and other land landscape requirements for new development. At this time Mr. Fletcher asked if there were any questions.

Vice-chair Fitzgerald asked what comments did you get back from the people that you sent this proposal to.

Mr. Fletcher said there was an interdepartmental review of which we had some feedback and made changes. Then we sent it out to the Downtown Landscaping Committee and to the Shenandoah Valley Builders Association (SVBA), who then made it available to all of its members. We only received five comments; one of which was completely opposed and did not want any more regulations. Another comment was about the reduction in size of the landscaping island; which we actually made changes to after receiving the comment. The remaining three comments (one being a landscape business owner) were in favor of the proposal and said it made good sense.

Dr. Dilts asked where does the 15 percent come from; knowing that when you start paving over everything and buildings you change the whole ability of water to seep into the land and be reused.

Mr. Fletcher said to be honest I have no idea where the 15 percent requirement comes from. The 15 percent requirement has been in the ordinance for a long time.

Mr. Way asked whether these amendments that are suggested reflect what other municipalities have done or are doing.

Mr. Fletcher said yes. This is something we have looked at for several years and we thought whenever the time is right we would propose the ordinance. We did investigate what other municipalities were doing with landscaping regulations and picked qualities that we liked from some ordinances.

Mrs. Turner said we tried hard to stick with the 15 percent base, so that we were not exponentially increasing any current requirement. Many localities do a lot more than what you see here.

Mr. Fletcher said the biggest difference in the proposed and what is existing is the living vegetation. No longer can you have just grass, mulch, or rocks.

Mr. Da'Mes said during the Comprehensive Plan review I had a problem with the 15 percent being too low. I understand that it is a baseline and normally people exceed it; but, then I see so many examples around Harrisonburg that are just too much pavement. It is not aesthetically pleasing and it is not representative of "the Friendly City." Do we distinguish within 10-3-25 between a fast food parking lot and a shopping center parking lot? Could we consider 15 percent when up to 100 parking spaces; but beyond 100 spaces you must provide a greater percent landscaping? When I think about developments that build a certain square footage building and yet they vastly exceed our requirements for parking spaces; why do they do that and can we regulate that?

Mr. Fletcher replied there is a lot that goes into private businesses having their own standards for parking and meeting the demands for their clients. What you are asking about is known as "capping" parking and that is something that we did discuss, but decided we did not want to get into. When you put a cap on parking, you could limit who may decide to develop in the City. Some businesses choose not to come to a location if they cannot get the total amount of parking they want.

Dr. Dilts said I am concerned about the runoff and stormwater management.

Mr. Fletcher said the quality and quantity management is something that is controlled through the DCSM and State regulations. We have stormwater and erosion and sediment control regulations that must be abided by. This landscaping proposal would not meet some of the quality issues, but it would certainly help.

Mrs. Turner said what Mr. Fletcher said is that the City already has some requirements and we also use the State requirements for water quantity and quality that leaves a site. We are not doing this ordinance to further regulate that aspect of the site development.

Dr. Dilts said but what happens is when you pave over an area the runoff is immediate. When you use some type of porous type ground area, the runoff can seep in. So when you begin laying out these great swaths of pavement and you do not provide for runoff, you are now creating problems downstream.

Mr. Fletcher said there are two different issues going on here. Water quantity has always been regulated, water quality is becoming the bigger issue and new standards have gone into place for this. In speaking with one of the engineers in our department about stormwater management best management practice (BMP) areas; he explained that many developments were going to go to these independent individualized BMP areas. These BMP areas would easily fit into almost all locations. Another thing that we originally considered was requiring the landscape islands to be curbed; but we removed that because it gives developers the flexibility to do rain gardens. We did not want to be so regulatory and say that you had to provide for all this, we wanted flexibility.

Mrs. Turner said back to the concern expressed earlier about developments that provide more parking spaces than required and having them meet more of a landscape requirement than the 15 percent. For larger areas this ordinance is going to be more of a requirement than the base 15 percent. Remember for every other parking bay you will need to have the nine-foot landscape island. If you think about the visual impact of the parking area, those nine-foot islands will go a long way and the larger the parking area the more there are.

Mr. Fletcher said I want to say that the porous area, where the grass is growing up between the parking pavers (i.e. grasscrete), was discussed; we decided not to address it. If someone is going to go to that expense to install that, then they are obviously green minded. However, if the porous material is used, the landscaping is still required.

Mr. Way asked along the lines of aesthetics, has any consideration been given to signage and sign restrictions.

Mr. Fletcher replied that is an entire separate issue; and at some other point could be addressed.

Mr. Da'Mes said that is something that needs to come up, because now you have all the LED and flashing signs.

Mr. Fletcher said there was a recent amendment to the City Code regarding signs that changed the enforcement capability of enforcing sign regulations. This came to our attention because of the LED flashing signs. These signs are required to hold a static image for five seconds before they change; but we did not have any enforcement teeth behind the old ordinance – stating the Director of Community Development would remove the sign. Now it is a misdemeanor if it you do not correct the violation. This change has just been implemented in the last two months or so. Hopefully, we will see some change with that.

Mr. Way said it might be worth considering sometime.

Dr. Dilts said staff has done a really fine job with this; it can always be better, but it is a really good movement on aesthetics and environmental impact.

Mr. Fletcher said thank you and asked the Commission how they wanted to proceed? We are prepared to go to public hearing whenever Planning Commission is ready.

Planning Commission agreed that the Parking Lot Landscaping Ordinance would move forward as a public hearing at the January 2012 regular meeting.

Mr. Way asked if within Section 10-3-25, Subsection 3 where it discusses regional or native species of trees, could that be incorporated into the proposed language somewhere.

Mr. Fletcher said yes, we can add that back in as a suggestion.

Vice-chair Fitzgerald asked if there was anything further.

Mrs. Turner said for the CIP presentation at the December meeting would Planning Commission prefer to have each department make a presentation or would you prefer to just ask questions of each department. How would you like to handle it this year?

Mr. Chenault said he felt it was fine last year not having a presentation and just asking questions.

Mr. Da'Mes said he felt that City Council wants us to vet that process and if we are going to do so properly we need to have the presentation and ask questions.

Mr. Fletcher said each department was here last year and the opportunity was available to ask for a brief presentation. I believe no one had any questions last year.

Mr. Da'Mes asked whether Planning Commission was giving due process just by saying here it is, are there any questions?

Mrs. Turner said in years past we have had each department head do a brief synopsis of upcoming projects and new projects, or anything that has changed in terms of priority.

Vice-chair Fitzgerald asked Planning Commission for their thoughts.

Mr. Chenault said I want to do whatever the Planning Commission wants to do. I am guarded about redundancies and generally what they would discuss is already before us in writing.

Mr. Da'Mes said could we ask them to submit a brief paragraph or so, summarizing any changes, etc.

Dr. Dilts said if it is not onerous, then having a paragraph or two for us to read ahead, and also having them here if there are questions, would perhaps be the better use of time.

Mr. Fletcher said the description you will get in the CIP is probably what the paragraph would say.

Planning Commission agreed a paragraph was not necessary.

Vice-chair Fitzgerald said she is content to stick with how it was handled last year; as long as there is some time provided to read through the CIP prior to the meeting, and to email questions for anything you do not understand.

Planning Commission agreed to handle the CIP presentation as was done last year.

### **Adjournment**

The meeting was adjourned at 9:50 p.m.

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Chairman William L. Jones, Jr.

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Secretary, Alison Banks